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10 Sun Microsystems, Inc.

11
                        UNITED STATES DISTRICT COURT
12
                     NORTHERN DISTRICT OF CALIFORNIA
13
                        SAN FRANCISCO DIVISION
14

15 | NETWORK APPLIANCE, INC., | CASE NO. 3:07-CV-06053 EDL |
    | --- | --- |
16 | Plaintiff - Counterclaim Defendant, | [~~PROPOSED~~] ORDER GRANTING SUN MICROSYSTEMS, INC.'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND DEPOSITION FROM NON-PARTY YAHOO! INC. |
17 | v. | |
18 | SUN MICROSYSTEMS, INC., | |
19 | Defendant - Counterclaimant. | **Date: August 4, 2009**
 Time: 9:00 a.m.
 Courtroom: E, 15th Floor
 Hon. Elizabeth D. Laporte |
20

21
            Having considered the papers submitted and arguments presented in support of and in
22
    opposition to Sun Microsystems, Inc.'s ("Sun") Motion To Compel Production of Documents
23
    And Deposition From Non-Party Yahoo! Inc. ("Yahoo") ("Motion to Compel"), IT IS HEREBY
24
    ORDERED that Sun's Motion to Compel is GRANTED IN PART. Yahoo shall produce one or
25
    more witnesses for a deposition of no more than three hours to address the following topics set
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    forth in Sun's July 21, 2009 reply brief (Dkt. 409), p. 2, ll. 9-24:
27
            1.   Yahoo's use of disk scrubbing, right-sizing, and disk truncation in
28
                                            -1-
    DLA PIPER US LLP   [~~PROPOSED~~] ORDER GRANTING IN PART SUN'S MOTION TO COMPEL YAHOO'S DEPOSITION
                                                                    CASE NO. 3:07-CV-06053 EDL

1   connection with its use of Network Appliance, Inc. ("NetApp")

2   products;

3   2. Yahoo's use of the NetApp product SnapMirror;

4   3. Yahoo's use of Cisco and Brocade Fibre Channel switches in

5   conjunction with NetApp filers, including the connections between the

6   switches and NetApp's filers, its use of NetApp's MetroCluster

7   product in connection with the switches, its use of graphical user

8   interfaces to manage such switches, and its use of load balancing,

9   zoning, and virtual channels in connection with such switches; and

10   4. The content and subject matter of the documents that Yahoo has

11   produced in response to Sun's subpoena.

12   Prior to the deposition, Sun and Yahoo shall exchange information as necessary to

13   authenticate, verify, and explain the content and subject matter of the documents that Yahoo has

14   produced in response to Sun's subpoena.

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16   IT IS SO ORDERED.

17   Dated: August _7_ , 2009

GRANTED

Judge Elizabeth D. Laporte

UNITED STATES MAGISTRATE JUDGE
ELIZABETH D. LAPORTE

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DLA PIPER US LLP

[PROPOSED] ORDER GRANTING IN PART SUN'S MOTION TO COMPEL YAHOO'S DEPOSITION
CASE NO. 3:07-CV-06053 EDL